

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14206US03)

In the Application of:

Charles Gollnick

Serial No.: 10/657,785

Filed: September 8, 2003

For: NETWORK SUPPORTING  
ROAMING, SLEEPING TERMINALS

Examiner: Philip Sobutka

Group Art Unit: 2618

Confirmation No.: 1344

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Transmitted via the Office electronic filing  
system July 28, 2010.

**APPLICATION FOR RECONSIDERATION OF THE  
DETERMINATION OF PATENT TERM ADJUSTMENT  
UNDER 35 U.S.C. 154(b)  
ACCOMPANYING THE NOTICE OF ALLOWANCE  
(37 CFR § 1.705)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed July 16, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 1190 days.

The basis under § 1.702 for the adjustment is as follows.

### **Positive Patent Term Adjustment**

#### **Three Year Guarantee (35 USC § 154(b)(1)(B))**

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 1112 days, minus 0 days consumed by an appeal, for a net adjustment of 1112 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was September 8, 2003,
- the third anniversary of the actual filing date was September 8, 2006,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on September 24, 2009.
- the first RCE was filed 1112 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

### **Reductions in Patent Term Adjustment**

#### **Removing Overlap**

- Two or more grounds of delay overlap from January 20, 2008, to February 11, 2008, totaling 22 days of delay.

This overlap has been subtracted from the patent term adjustment in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR.

#### **Net Patent Term Adjustment**

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

#### **Three Year Guarantee (35 USC § 154(b)(1)(B))**

	<b>Patent Term Adjustment (days)</b>
<b>USPTO Calculation</b>	0
<b>Applicant Calculation</b>	1112

#### **Reductions in Patent Term Adjustment**

- **Removing Overlap**

	<b>Patent Term Adjustment (days)</b>
<b>USPTO Calculation</b>	0
<b>Applicant Calculation</b>	22

#### **Conclusion**

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1190 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Dated: July 28, 2010

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

By: /Shawn L. Peterson/  
Shawn L. Peterson  
Reg. No. 44,286  
Attorney for Applicant

McANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street  
Chicago, Illinois 60661  
Telephone: (312) 775-8000

10/657,785	NETWORK SUPPORTING ROAMING, SLEEPING TERMINALS	07-22-2010::09:29:02
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### Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/657,785

Filing or 371(c) Date:	09-08-2003	USPTO Delay (PTO) Delay (days):	-
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Petitions (days):	-	Total PTA (days):	100
USPTO Adjustment(days):	-	Explanation Of Calculations	

### Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
07-16-2010	Mail Notice of Allowance		
07-15-2010	Document Verification		
07-15-2010	Notice of Allowance Data Verification Completed		
05-08-2010	Date Forwarded to Examiner		
04-27-2010	Response after Non-Final Action		89
04-27-2010	Request for Extension of Time - Granted		⬆
04-15-2010	Mail Examiner Interview Summary (PTOL - 413)		⬆
04-12-2010	Examiner Interview Summary Record (PTOL - 413)		⬆
10-28-2009	Mail Non-Final Rejection		⬆
10-26-2009	Non-Final Rejection		
10-06-2009	Date Forwarded to Examiner		
10-06-2009	Date Forwarded to Examiner		
09-24-2009	Request for Continued Examination (RCE)		65
10-06-2009	Disposal for a RCE / CPA / R129		⬆
09-24-2009	Request for Extension of Time - Granted		⬆
09-24-2009	Workflow - Request for RCE - Begin		⬆
09-22-2009	Mail Examiner Interview Summary (PTOL - 413)		⬆
09-21-2009	Examiner Interview Summary Record (PTOL - 413)		⬆
04-21-2009	Mail Final Rejection (PTOL - 326)		⬆
04-21-2009	Final Rejection		
10-03-2008	Information Disclosure Statement considered		
10-22-2008	Information Disclosure Statement considered		
03-31-2009	Paralegal TD Not accepted		
03-31-2009	Paralegal TD Not accepted		
03-31-2009	Paralegal TD Not accepted		
03-31-2009	Paralegal TD Not accepted		
03-31-2009	Paralegal TD Not accepted		
03-26-2009	Paralegal TD Accepted		
03-26-2009	Paralegal TD Accepted		
03-26-2009	Paralegal TD Accepted		
03-26-2009	Paralegal TD Accepted		

03-26-2009	Paralegal TD Accepted	
03-24-2009	Paralegal TD Not accepted	
03-24-2009	Paralegal TD Not accepted	
03-24-2009	Paralegal TD Not accepted	
03-24-2009	Paralegal TD Not accepted	
03-24-2009	Paralegal TD Not accepted	
01-15-2009	Terminal Disclaimer Filed	
01-15-2009	Terminal Disclaimer Filed	
01-15-2009	Terminal Disclaimer Filed	
01-15-2009	Terminal Disclaimer Filed	
02-18-2009	Date Forwarded to Examiner	
01-15-2009	Response after Non-Final Action	36
01-15-2009	Request for Extension of Time - Granted	⚡
01-12-2009	Mail Examiner Interview Summary (PTOL - 413)	⚡
01-08-2009	Examiner Interview Summary Record (PTOL - 413)	⚡
10-22-2008	Reference capture on IDS	⚡
10-22-2008	Information Disclosure Statement (IDS) Filed	⚡
10-03-2008	Reference capture on IDS	⚡
10-03-2008	Information Disclosure Statement (IDS) Filed	⚡
10-22-2008	Information Disclosure Statement (IDS) Filed	⚡
10-03-2008	Information Disclosure Statement (IDS) Filed	⚡
09-10-2008	Mail Non-Final Rejection	⚡
09-08-2008	Non-Final Rejection	
08-19-2008	Date Forwarded to Examiner	
08-08-2008	Amendment after Final Rejection	89
08-08-2008	Request for Extension of Time - Granted	⚡
07-17-2008	Mail Miscellaneous Communication to Applicant	⚡
07-17-2008	Miscellaneous Communication to Applicant - No Action Count	⚡
02-11-2008	Mail Final Rejection (PTOL - 326)	22
02-04-2008	Final Rejection	⚡
11-08-2007	Information Disclosure Statement considered	⚡
11-08-2007	Miscellaneous Incoming Letter	⚡
11-08-2007	Reference capture on IDS	⚡
11-08-2007	Information Disclosure Statement (IDS) Filed	49
11-08-2007	Information Disclosure Statement (IDS) Filed	⚡
09-25-2007	Date Forwarded to Examiner	⚡
09-20-2007	Response after Non-Final Action	92
09-20-2007	Request for Extension of Time - Granted	⚡
03-20-2007	Mail Non-Final Rejection	⚡
03-16-2007	Non-Final Rejection	

10-11-2006	Information Disclosure Statement considered	
03-06-2007	Information Disclosure Statement considered	
03-06-2007	Information Disclosure Statement (IDS) Filed	68
03-06-2007	Information Disclosure Statement (IDS) Filed	
01-14-2007	Date Forwarded to Examiner	🔒
12-28-2006	Response after Non-Final Action	61
12-28-2006	Request for Extension of Time - Granted	🔒
10-11-2006	Information Disclosure Statement (IDS) Filed	🔒
10-11-2006	Information Disclosure Statement (IDS) Filed	🔒
07-28-2006	Mail Non-Final Rejection	627
07-24-2006	Non-Final Rejection	🔒
08-22-2005	Information Disclosure Statement considered	🔒
06-03-2006	Information Disclosure Statement considered	🔒
06-03-2006	Reference capture on IDS	🔒
06-03-2006	Information Disclosure Statement (IDS) Filed	🔒
06-03-2006	Information Disclosure Statement (IDS) Filed	🔒
03-21-2006	Case Docketed to Examiner in GAU	🔒
08-30-2005	IFW TSS Processing by Tech Center Complete	🔒
08-22-2005	Information Disclosure Statement (IDS) Filed	🔒
08-22-2005	Information Disclosure Statement (IDS) Filed	🔒
08-22-2005	Reference capture on IDS	🔒
10-25-2004	Miscellaneous Incoming Letter	🔒
07-18-2005	Case Docketed to Examiner in GAU	🔒
04-27-2005	Miscellaneous Incoming Letter	🔒
09-08-2003	Preliminary Amendment	🔒
12-19-2003	Application Dispatched from OIPE	🔒
12-22-2003	Application Is Now Complete	🔒
11-20-2003	Cleared by OIPE CSR	🔒
11-02-2003	IFW Scan & PACR Auto Security Review	🔒
09-08-2003	Initial Exam Team nn	🔒

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8/8/2008	Amendment after Final Rejection		89
8/8/2008	Request for Extension of Time - Granted		
7/17/2008	Mail Miscellaneous Communication to Applicant		
7/17/2008	Miscellaneous Communication to Applicant - No Action Count		
5/11/2008	Three months after Office action		
2/11/2008	Mail Final Rejection (PTOL - 326)	22	
2/4/2008	Final Rejection		
1/20/2008	Four months after response to Office action		
11/8/2007	Information Disclosure Statement considered		
11/8/2007	Miscellaneous Incoming Letter		
11/8/2007	Reference capture on IDS		
11/8/2007	Information Disclosure Statement (IDS) Filed		49
11/8/2007	Information Disclosure Statement (IDS) Filed		
9/25/2007	Date Forwarded to Examiner		
9/20/2007	Response after Non-Final Action		92
9/20/2007	Request for Extension of Time - Granted		

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		92.00

6/20/2007	Three months after Office action		
3/20/2007	Mail Non-Final Rejection		
3/16/2007	Non-Final Rejection		
3/6/2007	Information Disclosure		
3/6/2007	Statement considered		
3/6/2007	Information Disclosure		68
3/6/2007	Statement (IDS) Filed		
3/6/2007	Information Disclosure		
3/6/2007	Statement (IDS) Filed		
1/14/2007	Date Forwarded to Examiner		
12/28/2006	Response after Non-Final Action		61
12/28/2006	Request for Extension of Time - Granted		
10/28/2006	Three months after Office action		
10/11/2006	Information Disclosure		
10/11/2006	Statement considered		
10/11/2006	Information Disclosure		
10/11/2006	Statement (IDS) Filed		
10/11/2006	Information Disclosure		
10/11/2006	Statement (IDS) Filed		
9/8/2006	Three year date		
7/28/2006	Mail Non-Final Rejection	627	
7/24/2006	Non-Final Rejection		
6/3/2006	Information Disclosure		
6/3/2006	Statement considered		
6/3/2006	Reference capture on IDS		
6/3/2006	Information Disclosure		
6/3/2006	Statement (IDS) Filed		

		68.00
		61.00
		627.00

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PTO (Days)	APPL (Days)
1739	549
1190 Days	